

## AGENDA

### COMMITTEE ON ADMINISTRATION/INFORMATION SYTEMS

December 11, 2007  
Aldermen O'Neil, Lopez,  
Smith, Forest, DeVries

4:00 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)

1. Chairman O'Neil calls the meeting to order.
2. The Clerk calls the roll.
3. Appeal of the denial of a taxi driver's license.  
**A motion is in order to enter non-public session under the provisions of RSA 91-A:3 II(c).**

**A roll call vote is required on the motion.**

4. Charter amendment question relating to the School District becoming a department of the city as referred by the Board of Mayor and Aldermen.  
**Ladies and Gentlemen, what is your pleasure?**
5. Ordinance submitted by the Mayor's office on behalf of the Arts Commission providing for two alternates to be added to the commission membership.  
**Ladies and Gentlemen, what is your pleasure?**
6. Communication from Kevin Sheppard, Deputy Public Works Director, providing information pertaining to the Coordinator Purchasing Division as requested by Alderman Lopez as Chairman of the Board.  
**Ladies and Gentlemen, what is your pleasure?**
7. Purchasing Division Progress Report submitted by Ms. Salomone-Abood.  
**Ladies and Gentlemen, what is your pleasure?**

8. Communication from Grace Sullivan, MCTV Director, advising that she wishes to present to the Committee for its consideration a new location for MCTV facilities.

**Ladies and Gentlemen, what is your pleasure?**

### **TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

9. Communication from Mayor Guinta requesting consideration of the establishment of a Department of Administrative Services.  
(Tabled 01/09/2007.)
10. Copy of a communication from Alderman Lopez to Committee on Community Improvement requesting the BMA have the Finance Officer, City Solicitor and Bond Counsel (if needed) review the possibility of using Rooms and Meals Tax money in the future for Storm Water Utility/Sidewalks/Streets.  
(Tabled 09/25/2007 pending further information from the Finance Department.)
11. If there is no further business, a motion is in order to adjourn.

**DRAFT**

Amend section 32.026 of the Code of Ordinances by deleting same and replacing it with a new section 32.026 as follows:

**32.026 APPOINTMENT OF MEMBERS**

(A) The Mayor shall, in the month of September, 1937, nominate five citizens of the city who are qualified in matters of art for the Arts Commission. When the nominations are confirmed by the Board of Mayor and Aldermen, the nominees shall become members of the Arts Commission and hold office until their successors have been elected and qualified.

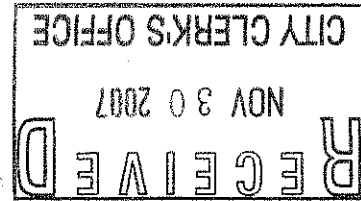
(B) ALTERNATES. The Mayor may nominate two (2) citizens to serve as alternate members of the Arts Commission, subject to confirmation by the Board of Mayor and Aldermen. The terms of any alternate member shall be three years and shall expire on December 1. Alternate members shall only participate upon the call of the chairperson when a regular member is absent.

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**City of Manchester  
Department of Highways**


227 Maple Street  
Manchester, New Hampshire 03103  
(603) 624-6444  
(603) 624-6487 Fax



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## MEMORANDUM

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**To:** Administration and Information System Committee  
**From:** Kevin Sheppard, Public Works Deputy Director   
**Date:** November 30, 2007  
**Subject:** Coordinated Purchasing

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Alderman Lopez, Chairman of the Board, in correspondence to the Highway Department dated November 15, 2007 asked that we provide information on Coordinated Purchasing.

Coordinating Purchasing is a function under the Highway Department's, Administration Section, not a separate Division. There are two full time employees assigned to this function. The staffing for this operation is comprised of the Departments existing Purchasing Agent and a new Purchasing Assistant (formerly a Legislative Assistant), who came from the City Clerks Office/Finance Department. The additional salary cost to the Highway Department for this operation is the salary for the Purchasing Assistant, which is \$42,536.00 per year. The existing Purchasing Agent continues to provide procurement services for the Department, but her role has been expanded to also provide citywide coordinated purchasing services. These additional duties are being performed without the benefit of any additional compensation. The primary function of the Purchasing Assistant is to provide support services to the Purchasing Agent with her workload being supplemented with other general Administration Section work as need be to maintain a full workload.

It is very difficult to quantify the benefits of Coordinated Purchasing in dollar and cents, because in the past there have been no detailed costs kept for the citywide purchasing of various goods and services. In addition, how do you place a value on the sharing of information and procurement assistance? However, the following attempts to summarize the benefits to the City in general terms:

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## **WHAT ARE THE BENEFITS OF COORDINATED PURCHASING?**

### **General Benefits**

- Bid and reference documents have been made available on the G drive for Departments. (G:\Purchasing\Documents). This is to assist Departments in following proper procurement procedures while also providing conformity to the City of Manchester documents.
- We have reviewed and revised other Departments bid documents per requests.
- Current City bids and results are available for all City Departments on the G drive. (G:\Purchasing\Current Contracts).
- A Purchasing website has been established. Current bid opportunities and results are available at one place on the website for vendors.  
(<http://www.manchesternh.gov/Citygov/Purchasing>)
- An email notification system to vendors has been established, saving on postage that normally would have been spent on mailing bids and results.

### **Citywide Bid Benefits**

- City utilizes one vendor, providing the City with volume discounts, and one price for all City Departments regardless of size or ordering capacity. Utilizing one vendor decreases the number of checks that need to be processed to different vendors.
- Departments do not have to spend time getting quotes or sending out bids – it has already been done for them. They can spend that time on other Departmental issues.

### **Specific Citywide Bid Benefits**

#### **Office Supplies, Toner Cartridges and Paper:**

- By requiring reports from vendor we are gaining data on what the City's/Departments spending habits are and will therefore gear the bids to those products in the future. In addition, this information will build a history which can be used to determine future savings.
- Toner cartridges are now all original manufacturer equipment, therefore meeting the guidelines of the City's Information System Department.

***Office Supplies, Toner Cartridges and Paper (continued):***

- In the first quarter of the bid, the vendor reported that the City had spent \$58,554.20 in supplies, toners and paper. Checks that went to that vendor for the 7/15/2007 pay date through the 10/15/2007 pay date were \$20,853.06. Meaning approximately \$37,700.00 went onto City p-cards. We will continue to assist the Finance Department in promoting the use of p-cards.

**Calcium Flake:**

- Water Works Department received quotes and found that the citywide bid provided the lowest price. Water Works Department quotes were \$16.00 - \$26.00 per 50lbs, Coordinated Purchasing contracted with a vendor for \$11.70 per 50lb bag, a cost savings of \$4.30 per bag at the low end.

**Letterhead & Business Stationary**

***If proposal is accepted by the City...***

- All Departments would be recognized as one entity, with one standard letterhead format.
- Departments would have one vendor and one cost.
- Smaller Departments would gain the most savings due to volume pricing.
- Departments would still be able to print their own letterhead, by making templates of new format available to them.

The Coordinated Purchasing function is in the infancy stage and continues to review various areas to create efficiencies of both time and money. I believe, as this function continues to expand, the City will not only realize financial savings but efficiencies and standardization of items throughout Departments.

We will be available to discuss this matter in more detail.

Cc: Alderman Lopez



**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

**Commission**

Edward J. Beleski  
- Chairman  
Joan Flurey  
William F. Houghton Jr.  
Robert R. Rivard  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

December 5, 2007

Honorable Administration Committee Members  
C/O Alderman Dan O'Neil, Chairman  
One City Hall Plaza  
Manchester, NH 03101

**RE: Progress Report, Purchasing Division**

Dear Committee Members:

Since your last meeting, the Purchasing Division has been busy with the following:

- Compiled all the letterhead surveys and results, reports are attached. The Coordinated Purchasing division has prepared a bid and would like the approval of the committee to proceed.
- The following bids have been awarded:
  - Heating Oil and Fuel
  - Snow Hauling
  - Salt
  - Calcium Chloride (Liquid and Flake)
  - Plow Blades, Shoes and Corners
  - Tire Chains & Accessories

Pricing and awards can be found on the G drive at: G:\Purchasing\Current Contracts or on the website at  
<http://www.manchesternh.gov/CityGov/Purchasing/bidresults.html>

- Automotive part bids have been awarded. These include: batteries, filters, new tires, tire tubes and retreads.
- Offset Printing, Duplication/Copying services bid is awaiting approval of the letterhead proposal.

## FUTURE PLANS

- We are in the beginning stages and working with Information Systems to obtain a city wide copy machine/maintenance contract.
- Continue to look at areas in which cost savings can be obtained through bulk purchasing, i.e. data destruction and printing services.

If you have further questions please let me know.

Respectfully Submitted,

*Mindy Salomone - Abood*

Mindy Salomone-Abood  
Public Works Purchasing Agent.



## BUSINESS STATIONERY SURVEY RESULTS

At the last Committee on Administration meeting, the Purchasing Division was given the approval to move forward with a survey on standardizing the business stationery of the City of Manchester. Overall the response was positive, however, there were some concerns that I believe we have addressed. They are as follows:

Department	Concern	Response
City Solicitor & Risk Mgmt.	Stationary should remain as formatted, but with only the City Solicitor and Deputy on it.  "The City Solicitor's Office is a professional legal office doing business with professional offices around the state and the country"	Requested further clarification – did not receive.
Library	The Library would have to get Trustee approval to change logos.	OK
Planning	Will we still be able to add personal/departmental info on letterhead?  Will we still be able to order both black and white and Ivory with blue logo envelopes?	Yes, but imprinting charge to include more information may be more costly. Also by adding personal information could lead to excessive ordering due to changes in personnel.  No. In order to standardize the logo, it would have to be printed in one color and the same for all.
Welfare	City departments should print their own stationery on the lowest price paper stock.  Recommends using the Manchester School of Technology to do stationery printing for the City. MST offers excellent service and the lowest prices anywhere in southern New Hampshire	Following is a quote from Raoul Bedard, Manchester School of Technology Graphics Instructor in regards to taking on print jobs.  "The way things are with the elimination of the other position I will not be able to accept any outside work." (email correspondence on 10/2/2007)
Police	Would want the police accreditation logo on letterhead.  Concerned about not having "Ralph Miller Public Safety" on letterhead.	We would make it a requirement when the bid was sent out, would be included in your imprinting charge.  Again, something that we can y make part of the specific departmental imprinting for Police.

Department	Concern	Response
Police <i>(continued)</i> :	Business cards: we like the significance of our patch on officer's cards	I agree. I believe that the Police Department having a specialized business card that stands out from the rest would be important. I would like to add this to the bid specifications and see if we can possibly get a better price for the Police Department.

(Department's full response to letterhead survey has also been attached for your viewing).

As part of the survey, we provided Departments with examples of proposed stationery, the results are below and examples of chosen stationery are attached.

SUMMARY						
	Letterhead	Color	Envelope	Color	Business Card	Color
1	8		3		9	
2	9		1		4	
3			10		2	
4			2		0	
5					2	
6					0	
7					0	
8					1	
White		3		2		3
Natural White		4		5		4
Ivory		5		4		5
No Preference		2		2		1

Departments reported the following quantities:

USAGE				
	Envelopes			
	Letterhead	#10 Regular	#10 Window	Business Card
	<i>Reams</i>	<i>Each</i>	<i>Each</i>	<i>Each</i>
Totals	58.6	58850	78000	62000
	29300			

## **Coordinated Purchasing Recommendations**

*Based on survey results*

**Letterhead:** Letterhead #2 was the most preferred letterhead, however, not by much.

- Letterhead #1 is more universal to every department, especially for those who are not located in City hall.
- Letterhead #1 would also allow for Departments to list commissioners and such. By listing commissioners Departments leave themselves open to replacing paper when commissioners leave.
- Letterhead #2 is already used by many Departments.

The color of the logo was not part of the survey, however, there were no comments made about the seal being a certain color other than black. Also, leaving the logo black would allow those Departments that are printing "in-house" to more closely resemble those Departments who are having it printed.

Decision would need to be made by the committee, which logo would represent the City of Manchester.

**Envelopes:** It is pretty clear from the results which envelope was the most preferred by City Departments. It is recommended that the committee chooses this particular design.

**Stationery Color:** Based on the results between the color on the letterhead and the envelopes, seems to be a toss up between Natural White and Ivory. Both letterhead designs have been printed for you on the two colors. It is the recommendation of this division to go with the Natural White. The Ivory option tends to have a more yellowed look to it, where the Natural White is brighter.

**Business Cards:** As with the envelopes it was pretty clear which design the Departments preferred. It is the recommendation of the Purchasing Division to use this format of the business card, but using the same City seal that has been used in all the other business stationery.

Decision would need to be made by the committee to either go along with the Purchasing Divisions recommendations or not.

Based on responses, we have prepared a bid and are ready to proceed pending your approval of the proposal.

*(Information Optional imprint)*  
Director



*(Information Optional Imprint)*  
Deputy Director

**CITY OF MANCHESTER**  
*(Department Name imprint)*

**Letterhead #1**

**Printed on:**

**Strathmore 24lb  
Natural White**

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*(Information Optional imprint)*  
Director



*(Information Optional Imprint)*  
Deputy Director

**CITY OF MANCHESTER**  
*(Department Name imprint)*

**Letterhead #1**

**Printed on:**

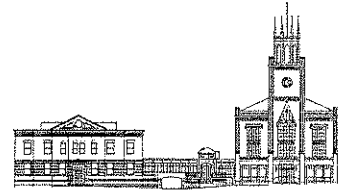
**Strathmore 24lb  
Ivory**

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# **City of Manchester**

*(Department Name imprint)*



**Letterhead #2**

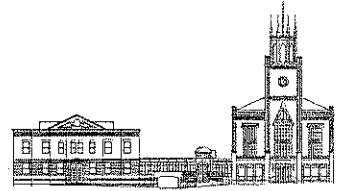
**Printed on:**

**Strathmore 24lb  
Natural White**

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**City of Manchester**  
*(Department Name imprint)*

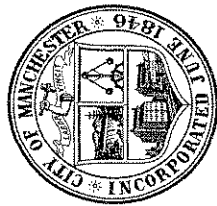


**Letterhead #2**

**Printed on:**

**Strathmore 24lb  
Ivory**

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**Office of City Clerk**  
City of Manchester  
One City Hall Plaza  
Manchester NH 03101

**Chosen Envelope**

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**CITY OF MANCHESTER**  
**Department of Highways**

**MELINDA SALOMONE-ABOOD**  
*Purchasing Agent*

227 Maple Street, Manchester NH 03103  
(603) 624-6444 FAX: (603) 624-6487  
E-Mail: [msalomone-abood@manchesternh.gov](mailto:msalomone-abood@manchesternh.gov)  
Website: [www.manchesternh.gov](http://www.manchesternh.gov)

*Chosen Business Card*



**CITY OF MANCHESTER**  
**Department of Highways**

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Website: [www.manchesternh.gov](http://www.manchesternh.gov)

*Recommended Business Card*



## **Manchester Community Television**

530 S. Porter St., Manchester, NH 03103

• Phone: (603) 628-6099 • Fax: (603) 665- 6827 • Email: manchestertv@comcast.net • Manchcom.tv

To: Carol Johnson, City Clerk's Office

From: Grace Sullivan, MCTV Director

Date: December 4, 2007

Re: Committee on Administration & Info Systems Meeting of December 11, 2007

After looking at numerous properties, the MCTV Facilities Committee has completed the search process for a new location for MCTV. The Facilities Committee requests to present the chosen location to the Committee on Administration & Info Systems for approval.



# City of Manchester

0-11-11 10:01:00  
pending further  
info from HR

Office of the Mayor  
Hon. Frank C. Guinta

January 2, 2006

The Board of Aldermen  
One City Hall Plaza  
Manchester, NH 03101

Re: Department of Administrative Services

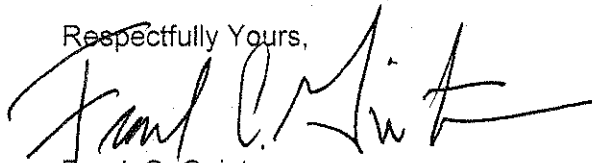
Dear Members of the Board:

With the recent retirements of several department heads, and with an expectation of additional retirements in the coming years, I think it would be prudent at this time for the Board of Mayor & Aldermen to consider the establishment of a Department of Administrative Services. Such a department would be modeled after similar governmental agencies existing at the state and municipal levels throughout the country.

Ideally, the City would consolidate various departments into a Department of Administration consisting of numerous subdivisions. The creation of such a department would benefit city government in several ways. First, the creation of such a department would result in greater cost savings through the reduction in personnel, especially those at upper pay grades. Second, such a department would reduce the bureaucracy that frustrates consumers and employees alike. Third, by coordinating administrative services into one department, the city can achieve greater efficiencies in service. Fourth, the Board of Mayor & Aldermen can expect improved communication between itself and the proposed department.

At this time, I have no preconceived notion on what departments should be folded into such a department. We should consider all departments in our evaluation of this proposal in order to determine what makes the most sense and what is in the best interest of the average taxpayer. I look forward to having a vigorous discussion with the Board and hope that together we can reach a consensus opinion.

Respectfully Yours,

  
Frank C. Guinta  
Mayor

IN BOARD OF MAYOR & ALDERMEN

DATE: January 2, 2007

ON MOTION OF ALD. Garrity

SECONDED BY ALD. Roy

refer to the Committee on  
VOTED TO Administration/Info Systems.

  
CITY CLERK

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# City of Manchester

*Mayor Handout 1.  
Comm. on Administration  
1/9/07 - Tabled*

Office of the Mayor  
Hon. Frank C. Guinta

January 9, 2007

The Committee on Administration & Information Systems  
One City Hall Plaza  
Manchester, NH 03101

Re: Department of Administrative Services

Dear Members of the Committee:

Since suggesting the establishment of the above referenced department, I have had numerous discussions with government and community leaders on how to best approach this important issue. I believe we have a great opportunity to review the structure of the Executive Branch of the government of the City of Manchester and owe it to ourselves and to future leaders to provide a more reasonable and responsible governmental structure.

I therefore wish to make some initial recommendations to the Committee for its consideration. These recommendations represent only a starting point.

1. The establishment of a new ordinance to assist the Board of Mayor & Aldermen with the reorganization of the executive branch. Such an ordinance could be modeled after Chapter 21-G of the Statutes of the State of New Hampshire (attached) effective July 1, 1983. An ordinance similar to 21-G would help the Board to work within a proven structure that helped the State reduce the number of departments, providing a manageable structure of government for the chief executive.

If the Committee is so desirous, a motion to direct the City Solicitor to draft a reorganization ordinance modeled after 21-G would be in order.

2. Several Aldermen have asked me what type of structure and what departments I envision being consolidated into the proposed Department of Administrative Services. Although I have stated that I have no preconceived notion of what departments should be eventually consolidated into this department if it should be created, I think the Committee should consider the following departments as candidates:

- Finance
- Information Systems
- Human Resources

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- Office of Tax Collection
- Office of the City Clerk
- Risk Management
- Central Purchasing/Central Fleet
- Facilities Management
- Office of the Assessors
- VISTA program
- Auditing

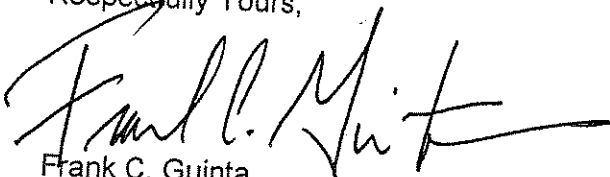
My selection of these departments is in no way an endorsement of the consolidation of any particular department. I believe the Board should consider these as well as other departments.

For your convenience, I have also attached organizational charts from two New England cities comparable to Manchester. These charts are intended only to educate this Board about how other municipalities have streamlined their administrative divisions to better meet the needs of their citizens and elected officials.

3. Timeline: While I have no definite timeline for the implementation of items #1 or #2 above, I will consider including a Department of Administrative Services as part of my FY2008 budget. However, I will only do so if the proposed department will yield immediate savings. Otherwise, I will wait for this committee to complete its work regarding this matter. I am also committed to consolidation through attrition; a process that I believe worked well when together we consolidated the Traffic Department.

As I stated to the Board in my original letter, I am willing to work with you to achieve a governmental structure that makes better sense for the needs of the City. I am also willing to meet not only with this Committee, but also with any city leader who wishes to participate in this discussion.

Respectfully Yours,

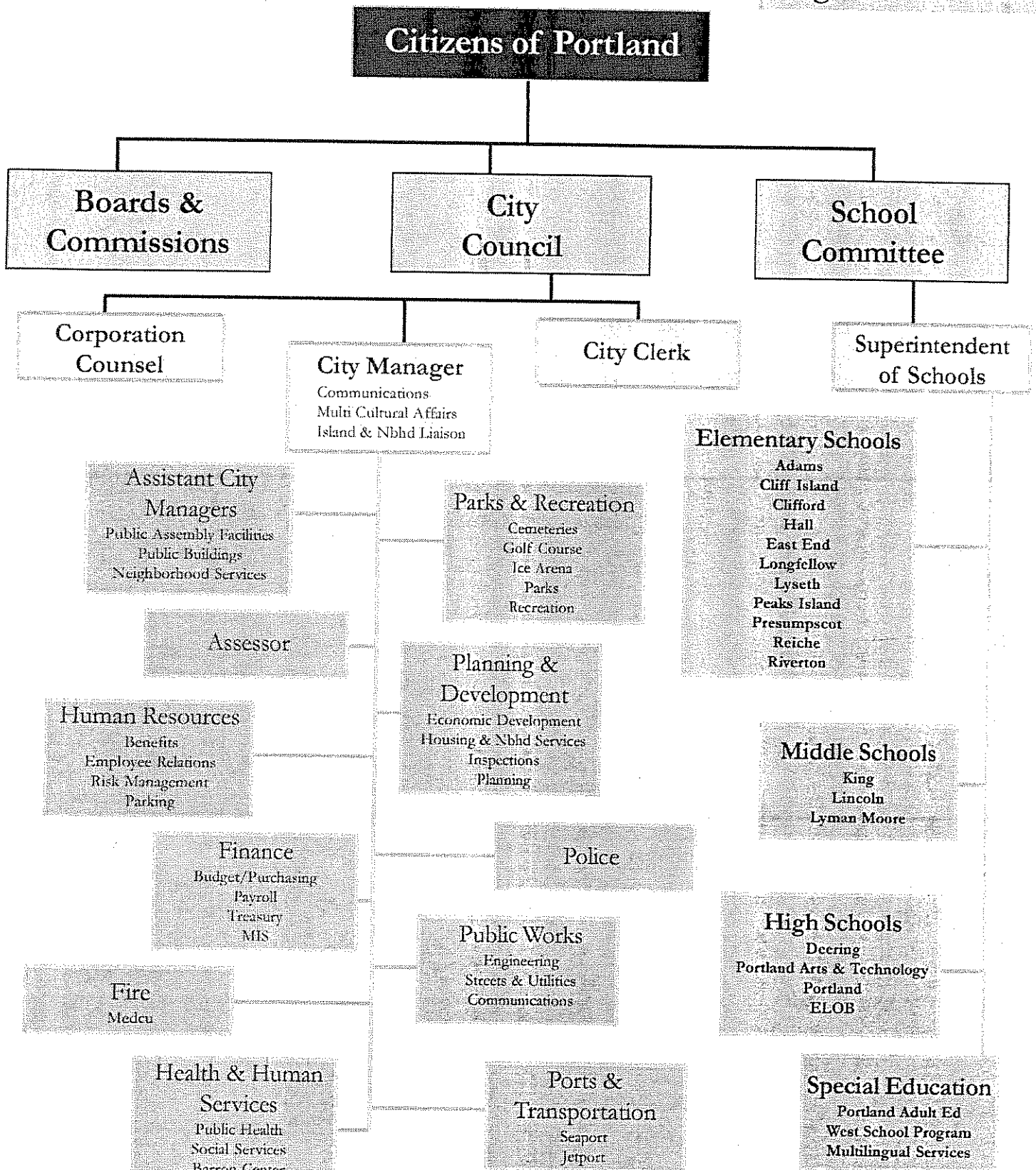


Frank C. Guinta  
Mayor

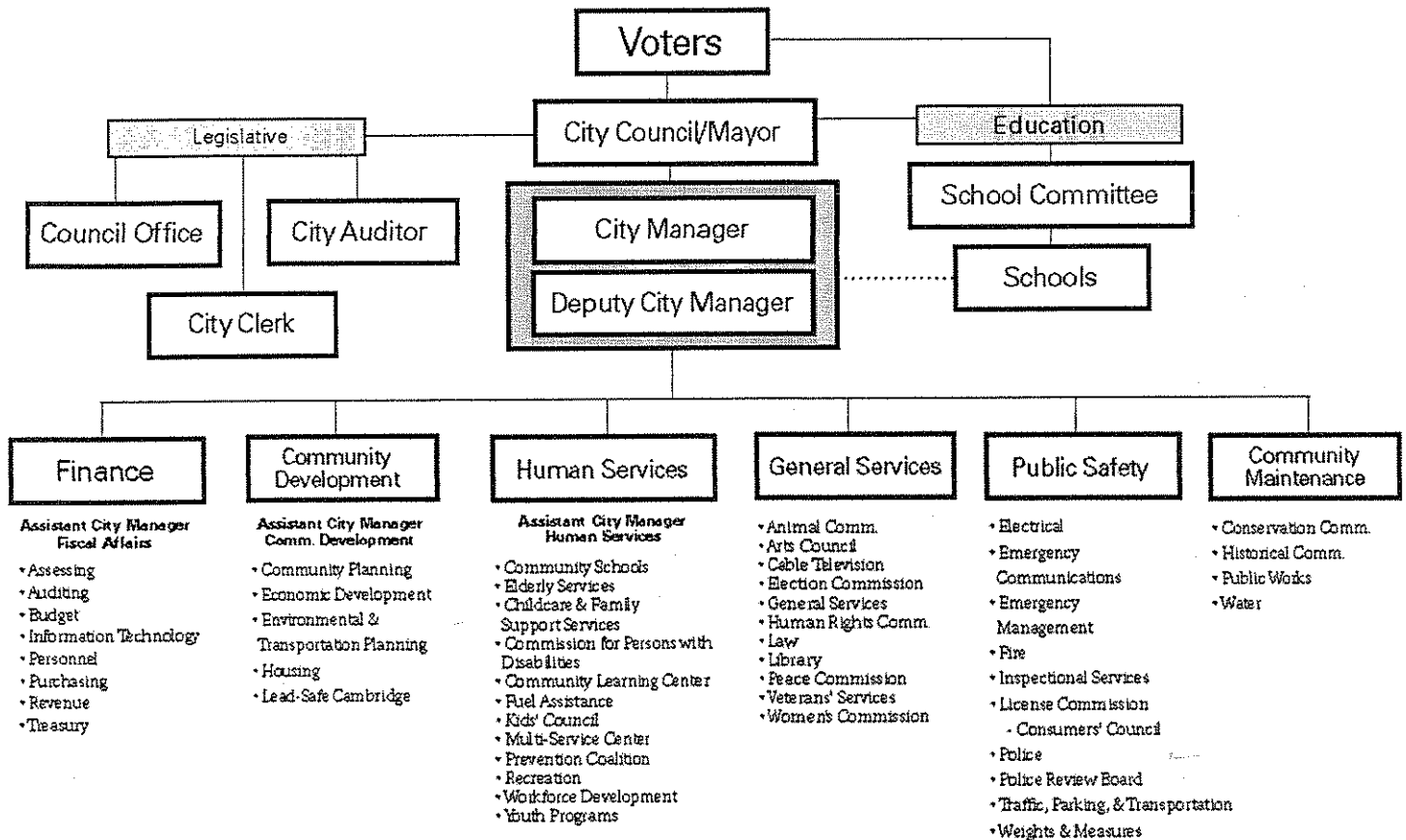


# PORTLAND, MAINE

## Organization Chart



# Organizational Chart



*Pictured l to r: Assistant City Manager for Human Services Ellen Semonoff, Assistant City Manager for Fiscal Affairs Louis DiPasquale, and Assistant City Manager for Community Development Beth Rubenstein.*

# TITLE I

## THE STATE AND ITS GOVERNMENT

### ~~CHAPTER 21-G~~

#### ORGANIZATION OF EXECUTIVE BRANCH

##### Section 21-G:1

**21-G:1 Short Title.** – This chapter shall be known as the Executive Branch Reorganization Act of 1983.

Source. 1983, 372:1, eff. July 1, 1983.

##### Section 21-G:2

**21-G:2 Declaration of Findings.** – The general court finds that:

I. The state constitution provides for the separation of powers within state government among the legislative, the executive and the judicial branches. The legislative branch has the broad objective and responsibility to determine policies and programs and to review and oversee program performance and implementation of policy previously established. The executive branch has the responsibility to implement and administer these policies and programs. The judicial branch has the responsibility to resolve disputes arising from the interpretation or application of the laws;

II. The growth of the executive branch from 32 constitutional offices and state agencies in 1900, to 96 in 1970, to more than 140 in 1983, has created an unwieldy and confusing state government structure. This structure has developed piecemeal, resulting in lack of policy coordination, excessive costs, inefficient use of personnel and capital, overlapping agency jurisdictions, duplication, and the ineffective use of the state's limited financial resources; and

III. The size and complexity of the executive branch, including the unnecessarily confusing current array of administrative terms, titles, and appointment processes, has unintentionally altered some of the constitutionally contemplated checks and balances by an unplanned shifting of policy direction and implementation toward the independent, non-elected executive branch agencies. This reduces the ability of the legislature to assert its primary role as policymaker and the ability of the governor to manage the implementation of that policy.

Source. 1983, 372:1, eff. July 1, 1983.

##### Section 21-G:3

**21-G:3 Declaration of Policy.** – The general court declares the following to be the policy and objectives of the state:

I. The organization of state government should assure its responsiveness to popular control, as expressed through the state's elected officials. It is the goal of reorganization to improve legislative policymaking capability and to improve the administrative capability of the executive to carry out these policies.

II. The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization through coordination of related programs in function-oriented departments to improve public understanding of government programs and policies, by more



clearly defining the jurisdiction of departments, and to improve the relationships between citizens and administrative agencies.

III. The organization of state government should assure efficient, effective and responsive administration of the policies established by the legislature. It is the goal of reorganization to improve the coordination and management of state services by establishing clear lines of authority, responsibility and accountability for program implementation within the executive branch.

IV. The governor should meet regularly with the heads of all agencies. Communication and exchange of information and ideas among the agency heads, as well as between agency heads and the governor, should be the goal of these meetings.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:4

**21-G:4 Guidelines for Reorganization.** – The following provisions shall serve as general guidelines for accomplishing executive branch reorganization consistent with the policy and objectives of the state:

I. In order to allow the chief executive to efficiently and effectively implement legislative policy and programs, the governor should be provided with a manageable administrative structure and the authority to direct its operations.

II. The large number of existing executive branch agencies, departments, boards, commissions, authorities and institutions should be significantly reduced by consolidating them into a reasonable number of departments.

III. The consolidation of agencies in the executive branch should be on a functional basis, so that programs can be coordinated and comprehensive planning can be undertaken.

IV. Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs, and the coordination of existing programs, in response to changing public needs.

V. There should be a uniform process for administrative appeals to an impartial body provided for each department established following July 1, 1983.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:5

**21-G:5 Definitions.** – In this chapter, the following words shall have the following meanings:

I. "'Administratively attached agency" means an independent agency linked to a department for purposes of reporting and sharing support services.

II. "'Advisory committee" means a committee established pursuant to RSA 21-G:11 which shall furnish advice, gather information, make recommendations and perform such other activities as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal funding requirements, but which shall not administer a program or function or set policy.

III. "'Agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called, other than the legislative and judicial branches of state government, established in the state constitution, statutes, session laws or executive orders.

IV. "'Bureau" means the principal unit within a division, which is directly responsible to the division level and is concerned with individual program management.

V. "'Commissioner" means the individual in charge of the operations of a department, who is directly responsible to the governor.

VI. "'Department" means the principal administrative unit within the executive branch of state government, which is concerned with broad functional responsibilities.

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VII. ""Division" means the principal unit within a department, which is directly responsible to the department level and is concerned with related major functional programs and activities.

VIII. ""Field operations" means district or area offices which may combine division, bureau and section functions.

IX. ""Section" means the principal unit of a bureau, which is directly responsible to the bureau level and is concerned with direct provision of services to the public or other state agencies.

X. ""Subsection" means the principal unit of a section which is directly responsible to the section level and is concerned with direct provision of services to the public or other state agencies.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:5-a

**21-G:5-a Statements of Financial Interest for Board and Commission Members.** – [Repealed 2006, 21:10, II, eff. June 2, 2006.]

### Section 21-G:6

**21-G:6 Structure of Executive Branch.** – All departments of the state established following July 1, 1983, shall be structured as follows, unless otherwise provided for specifically by the general court:

I. The department shall be the principal administrative unit of the executive branch, and each department shall be headed by a commissioner. Each department shall bear a title beginning with the words ""The State of New Hampshire Department of ....." and continuing with the name designated for the department.

II. All departments shall adhere to the following operational structure and standard terminology:

(a) The principal unit of the department shall be the division; and each division shall be headed by a director.

(b) The principal unit of the division shall be the bureau; and each bureau shall be headed by an administrator.

(c) The principal unit of the bureau shall be the section; and each section shall be headed by a supervisor.

(d) If further subdivision is necessary, sections may be divided into subsections; and each subsection shall be headed by a chief.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:7

#### **21-G:7 Field Operations.** –

I. A department shall not establish field operations unless specifically authorized to do so by statute; except that temporary field operations may be established upon a specific written declaration by the governor and council that an emergency exists. A temporary field operation shall not be continued beyond the adjournment of the next regular or special session of the general court following a declaration of emergency.

II. Legislative proposals by a department seeking establishment of field operations shall include evidence of the commissioner's written certification to the governor and council that all other agencies with field operations in the same vicinity of the state have been consulted to determine the feasibility of combining such field operations.

Source. 1983, 372:1, eff. July 1, 1983.

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### Section 21-G:8

#### **21-G:8 Commissioners and Division Directors; Appointment; Term. –**

I. The commissioners of all departments established after July 1, 1983, shall be appointed by the governor, with the consent of the council, except as otherwise provided by law. Each commissioner shall be an unclassified employee.

II. Each commissioner shall nominate for appointment by the governor, with the consent of the council, each division director within the commissioner's department, for all departments established after July 1, 1983, except as otherwise provided by law. Each division director shall be an unclassified employee.

III. Commissioners shall serve terms of 4 years. Such terms shall end on March 31 of an odd-numbered year. Initial terms for some commissioners may be for approximately 2 years so that the terms of one-half of the commissioners will end in each gubernatorial term.

IV. Division directors shall serve terms of 4 years. Such terms shall end on March 31 of an even-numbered year. Initial terms for some directors may be for approximately 2 years so that the terms of one-half of the directors will end one year after a commissioner's terms commences and one-half 3 years after that date.

Source. 1983, 372:1. 1985, 418:1. 1995, 226:2, eff. Aug. 13, 1995.

### Section 21-G:9

**21-G:9 Powers and Duties of Commissioners. –** The commissioner shall be the chief administrative officer of the department and shall have the following powers and duties:

I. The commissioner shall manage all operations of the department and administer and enforce the laws with which the commissioner or the department is charged. The commissioner shall report directly to the governor.

II. To perform the commissioner's duties, the commissioner shall have every power enumerated in the laws, whether granted to the commissioner, the department, or any administrative unit of the department. In accordance with these provisions, the commissioner shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department and each program and activity of the department.

(b) Adopt all rules of the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. All rules shall be adopted pursuant to RSA 541-A, unless specifically and explicitly exempted by law. The provisions of this subparagraph shall control existing legislative enactments unless the provisions of RSA 21-H through RSA 21-P that created the department specifically and clearly confer rulemaking authority on an administrative unit or a subordinate official. The provisions of this subparagraph shall also apply to subsequent legislative enactments unless such enactments are contained in RSA 21-H through RSA 21-P or are specifically exempted from the application of the provisions of this subparagraph by language expressly referring to this subparagraph. For the purposes of this subparagraph, "commissioner of the department of education" means the state board of education.

(c) Exercise general supervisory and appointing authority over all department employees, subject to applicable personnel statutes and rules.

(d) Delegate authority to subordinates as the commissioner deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for a division director to exercise all authority of the commissioner in the commissioner's absence. All such delegations shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the

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commissioner's office.

(e) Adopt practices which will improve the efficiency of the department and the provision of services to the citizens of the state.

(f) Provide cooperation, at the request of the heads of administratively attached agencies, in order to:

- (1) Minimize or eliminate duplication of services and jurisdictional conflicts;
- (2) Coordinate activities and resolve problems of mutual concern; and
- (3) Resolve by agreement the manner and extent to which the department shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(g) Give bond, and require division directors to give bond, to the state as specified in RSA 93-B.

(h) Where functions of departments overlap or a function assigned to one department could better be performed by another department, a commissioner shall recommend appropriate legislation to the next regular session of the legislature.

III. The commissioner may adopt such reasonable internal practices and procedures as may be necessary to carry out the duties of the department and its divisions consistent with this chapter.

IV. The commissioner may not accept, on behalf of the department, any grants of money without first obtaining the express consent of the legislative fiscal committee established by RSA 14:30-a.

V. It shall be the duty of all commissioners of executive branch agencies to continually reassess the organization of their agencies, especially with regard to new programs and functions assigned to them, and to propose legislation to the general court to accomplish internal reorganizations deemed desirable.

**Source.** 1983, 372:1. 1995, 226:3-6, eff. Aug. 13, 1995.

## Section 21-G:10

### 21-G:10 Administratively Attached Agency. —

I. An agency administratively attached to a department shall:

- (a) Exercise its powers, duties, functions and responsibilities independently of the department and without approval or control of the department, except as otherwise specifically provided by statute;
- (b) Submit the budget requests required by RSA 9 through the department; and
- (c) Submit reports required of it by law or by the governor through the department.

II. The department to which an agency is administratively attached shall:

- (a) Provide budgeting, recordkeeping and related administrative and clerical assistance to the agency, if mutually agreed to in writing, provided that the agency shall pay the department on a cost allocation basis for such services;

(b) Include the agency's budget requests, as submitted and without changes, in the departmental budget.

III. Unless otherwise provided by law, the administratively attached agency shall hire personnel in accordance with state personnel laws.

**Source.** 1983, 372:1, eff. July 1, 1983.

## Section 21-G:11

### 21-G:11 Advisory Committees. —

I. A commissioner, with the approval of the governor, may create advisory committees.

II. Each department shall file a record of each advisory committee created with the secretary of state, showing the committee's:

- (a) Name;
- (b) Composition;

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(c) Appointed members' names and addresses; and

(d) Purpose and term of existence.

III. The governor shall appoint the members of each advisory committee, with the advice of the commissioner, who shall have prescribed the functions of each advisory committee created.

IV. Each advisory committee created under this section shall be designated by name as follows: the "..... advisory committee of the department of ...".

V. A majority of the membership of an advisory committee shall constitute a quorum.

VI. No member of an advisory committee shall receive any compensation, for services rendered the advisory committee, except mileage payments at the state employee rate, within the limits of the department's appropriations.

VII. Each advisory committee created under this section after July 1, 1995, shall include a provision for its termination after a 3-year period unless continued by legislative action.

Source. 1983, 372:1. 1995, 257:1, eff. July 1, 1995.

## Section 21-G:12

**21-G:12 Conflicts of Law.** – If the provisions of RSA 21-G:9 or RSA 21-G:11 conflict with the powers and duties specifically granted by statute to a particular commissioner, the specific powers and duties shall control. If the provisions of RSA 21-G:9 or RSA 21-G:11 conflict with other statutes specifically limiting the powers of a commissioner, the specific limitations shall control.

Source. 1983, 372:1, eff. July 1, 1983.

## Section 21-G:13

### **21-G:13 Transfer of Functions of Abolished Agencies.** –

I. The powers, duties, functions, responsibilities, programs and operations of each agency abolished pursuant to acts of the general court relative to executive branch reorganization shall, upon and after the date of each abolition, be exercised and performed by the commissioner of the department to which such powers, duties, functions and responsibilities are transferred.

II. The commissioner of each department shall have full authority, consistent with this chapter, to assign powers, duties, functions, responsibilities, programs and operations of abolished agencies to any division within the department, or may determine that any or all of them shall be exercised in such other manner as shall be allowed by law. The commissioner shall make such assignment or determination in accordance with the general functions of each division, as established by the general court.

III. Upon the abolition of each agency whose powers, duties, functions and responsibilities are transferred in accordance with this section, any pending or unfinished business of each such agency shall be taken over and be completed by the department to which transferred and its commissioner, with the same power and authority as that of the agency abolished. The department and its commissioner shall be the successor in every way to each such agency, and every act done by the department or its commissioner in the exercise of the functions of each shall be deemed to have the same force and effect under any provisions of the constitution and laws in effect on July 1, 1983, as if done by the agency abolished.

IV. Upon the abolition of each agency whose powers, duties, functions and responsibilities are transferred in accordance with this section, the existing rules of each agency shall continue in full effect, without interruption, as the rules of the department to which those powers, duties, functions and responsibilities have been transferred. Rules so continued shall be effective for the remainder of the period originally established under RSA 541-A:17, I.

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Source. 1983, 372:1. 1986, 41:32. 1994, 412:4, eff. Aug. 9, 1994.

## Section 21-G:14

### 21-G:14 Legal Proceedings and Documents. –

I. For purposes of this section, legal proceeding includes, but is not limited to, any suit, action, incidental demand or action, claim, and any other matter filed or pending before any court, administrative agency, or other quasi-judicial body.

II. For purposes of this section, document includes, but is not limited to, any petition, application, exception, motion, rule, answer, citation, notice, return, affidavit, certificate, oath, bond or other security, summons, subpoena, writ, interrogatory, deposition, inventory, appraisal, evidence, court record, instruction, verdict, judgment, order, injunction, confirmation, appointment, warrant, letter, and any other pleading or instrument whatsoever permitted or required in any legal proceeding.

III. Any legal proceeding to which any agency which is abolished, whose powers, duties, functions, and responsibilities are transferred in accordance with the provisions of this chapter, is a party, and which is filed, initiated, or otherwise pending before any court on the effective date of such abolition and transfer, and all documents involved in or affected by such legal proceeding, shall retain their effectiveness and shall be continued in the name of the agency abolished. All further legal proceedings and documents in the continuation, disposition, and enforcement of such legal proceedings shall be in the name of the original party agency which is abolished; and the department to which the powers, duties, functions, and responsibilities of the agency are transferred shall be substituted for the original party agency without necessity for amendment of any document to substitute the name of the department or the name or title of any subdivision, official, employee, or other agent or representative of the department.

Source. 1983, 372:1, eff. July 1, 1983.

## Section 21-G:15

### 21-G:15 Protection of Obligations. –

I. The general court hereby specifically states that this chapter is in no way and to no extent intended to, nor shall it be construed in any manner to, impair the contractual or other obligations of any agency abolished by the general court or of the state of New Hampshire. It is hereby specifically provided that all obligations of any agency abolished, whose powers, duties, functions, and responsibilities are transferred in accordance with this chapter, hereafter shall be deemed to be the obligations of the department to which the powers, duties, functions, and responsibilities of the agency are transferred, and of its commissioner, to the same extent as if originally made by them. In like manner, and in order to prevent any violation of the provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which property of any kind has been vested in an agency abolished by the general court, or diversion from the purposes for which such property was thus vested in any such agency, it is hereby specifically provided that each such instrument or disposition hereafter shall be deemed to have been vested in the department to which the powers, duties, functions, and responsibilities of the agency are transferred, and its commissioner, in the same manner and to the same extent as if originally so done.

II. The department to which the powers, duties, functions, and responsibilities of each such agency are transferred and its commissioner shall be the successor in every way to each such agency, including all of the obligations and debts of each such agency. All funds heretofore dedicated by or under authority of the constitution and laws of this state, or any of its subdivisions, to the payment of any bonds issued for construction or improvements for any institution or facility under the control of any such agency shall continue to be collected and dedicated to the payment of those bonds. In like manner, all other

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dedications and allocations of revenues and sources of revenues heretofore made shall continue in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this chapter, and shall so continue, notwithstanding the passage of any laws by the general court relative to reorganization of the executive branch.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:16

**21-G:16 Effect on Federal Law.** – This chapter and any laws enacted by the general court relative to executive branch reorganization shall not be construed or applied in any way which will prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or hereafter is made available to this state, or any department, office, agency, or subdivision thereof; and such compliance hereafter shall be accomplished by the commissioner insofar as such compliance affects any abolished agency whose powers, duties, functions, and responsibilities are transferred in accordance with the provisions of this chapter and any laws enacted by the general court relative to executive branch reorganization.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:17

**21-G:17 Transfer of Property.** – All books, papers, records and unexpended appropriations or other funds, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by each agency abolished whose powers, duties, functions and responsibilities are transferred in accordance with this chapter and any laws enacted by the general court relative to executive branch reorganization are hereby transferred to the department to which such powers, duties, functions, and responsibilities are transferred.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:18

**21-G:18 Transfer of Employees.** – All employees heretofore engaged in the performance of duties in each agency abolished whose powers, duties, functions, and responsibilities are transferred in accordance with this chapter and any laws enacted by the general court relative to executive branch reorganization are hereby transferred to the department to which such powers, duties, functions, and responsibilities are transferred to the extent the commissioner deems necessary to carry out the functions of the abolished agency and shall, insofar as practicable and necessary, continue to perform the duties heretofore performed, subject to applicable personnel statutes.

Source. 1983, 372:1, eff. July 1, 1983.

### Section 21-G:19

**21-G:19 Reference to Abolished Agency.** – Wherever any agency abolished, whose powers, duties, functions, and responsibilities are transferred in accordance with this chapter and any laws enacted by the general court relative to executive branch reorganization, is referred to or designated by any law or contract or other document after the effective date of the abolition of such agency, such reference or

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designation shall be deemed to apply to the department to which the transfer is made or to its commissioner.

Source. 1983, 372:1, eff. July 1, 1983.

## Section 21-G:20

### **21-G:20 New Agencies and Programs. –**

I. After July 1, 1983, no agency, as defined in RSA 21-G:5, III, shall be established unless it shall be structured in accordance with this chapter.

II. After July 1, 1983, no new powers, duties, functions, responsibilities or programs shall be assigned to any agency, as defined in RSA 21-G:5, III, except an agency which exists on July 1, 1983, or an agency established by the general court in accordance with the provisions of this chapter and any laws enacted by the general court relative to executive branch reorganization.

Source. 1983, 372:1, eff. July 1, 1983.

## Code of Ethics

### Section 21-G:21

#### **21-G:21 Definitions. –** In this subdivision:

I. "Agency" means any executive branch agency, department, division, board, commission, or entity of the executive branch.

II. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

II-a. "Executive branch official" means every elected official as defined by RSA 15-B:2, III, who holds an executive branch office, every public official as defined by RSA 15-B:2, X, every constitutional official as defined by RSA 15-B:2, II, and every public employee as defined by RSA 15-B:2, IX.

III. [Repealed.]

IV. [Repealed.]

V. [Repealed.]

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:1, 10, III-V, eff. June 2, 2006.

### Section 21-G:22

**21-G:22 Conflict of Interest. –** Executive branch officials shall avoid conflicts of interest. Executive branch officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

### Section 21-G:23

#### **21-G:23 Misuse of Position. –** No executive branch official shall:

I. Disclose or use confidential or privileged information acquired in the performance of his or her duties for the state for personal benefit or for financial gain.

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II. Use his or her position with the state to secure privileges or advantages for himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

**Source.** 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

### Section 21-G:24

**21-G:24 Acceptance of Campaign Contributions.** – An executive branch official who is a candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a political contribution from any person or entity which is or is likely to become subject to that executive branch official's duties shall make a disclosure of such contributions to the secretary of state within 5 days of receipt of such contributions. The disclosure shall be in writing and on such form as the secretary of state shall prescribe.

**Source.** 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

### Section 21-G:25

**21-G:25 Restrictions on Simultaneous Employment and Public Service.** – Volunteer service shall not be used, directly or indirectly, for personal financial gain, or to facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of a third party, or to influence executive branch officials in the performance of their duties. In furtherance of this prohibition:

I. No person shall serve as a public employee, as defined by RSA 15-B:2, IX, or serve as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity, and simultaneously be a person who has a duty to register as a lobbyist pursuant to RSA 15, or is employed by, or maintains an ownership interest in, any entity which employs a registered lobbyist.

II. No person shall serve as a public employee in a position that establishes policy or adjudicates matters before any agency while maintaining any ownership interest in, or being employed by, any entity, engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing any action or inaction on any matter, contract, license, permit, or administrative rule, proposed or pending, before the executive branch.

III. Unless otherwise prohibited by law, the prohibitions of RSA 21-G:25, I and II, shall not apply to:

(a) Appearances before the courts or any adjudicative proceedings, or non-adjudicative processes, as defined by RSA 541-A;

(b) Service in a position subject to appointment by the governor and council;

(c) Testimony or participation in any public meeting, or service on any commission, committee, board, panel, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, or the public right of access mandated by part 1, article 8 of the New Hampshire constitution.

(d) Volunteer public service related entirely to a ceremonial, celebratory, historical, or recreational program or event; public health or safety incident or drill, or consumer protection assistance;

(e) Ownership of publicly-traded stock; or

(f) A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency.

**Source.** 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

### Section 21-G:26

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**21-G:26 Employment Restrictions.** – For 6 months after leaving office or employment with the state, no executive branch official shall appear as a lobbyist:

I. To promote or oppose directly any specific legislation pending or proposed before the general court ; or

II. To directly promote or oppose action or inaction on any matter, contract, license, permit, or administrative rule pending before the executive branch or with regard to any matter over which that executive branch official had personal and direct responsibility while in state government.

**Source.** 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

### Section 21-G:27

**21-G:27 Supplemental State Agency Ethical Codes.** – In addition to this code, each agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict with the provisions of this code, a stricter provision of an agency code shall govern. To the extent that this code or an ethics code adopted by an agency shall apply to classified employees, this code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement and the state personnel rules.

**Source.** 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

### Section 21-G:28

**21-G:28 Financial Disclosure.** – [Repealed 2006, 21:10, VI, eff. June 2, 2006.]

### Section 21-G:29

**21-G:29 Executive Branch Ethics Committee Established; Jurisdiction; Membership.** –

I. There is hereby established an executive branch ethics committee to issue guidelines, interpretive rulings, and advisory opinions relative to standards for ethical conduct in the executive branch and to resolve, through procedures established under RSA 21-G:32, issues, questions, or complaints involving executive branch officials who are not classified employees.

II. The jurisdiction of the committee shall consist of matters arising under the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted thereunder, as applied to executive branch officials who are not classified employees.

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, one of whom shall be a member of the democratic party, one of whom shall be a member of the republican party, and one of whom shall have no political party affiliation.

(b) Two members, nominated by the secretary of state, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

(c) Two members, nominated by the treasurer, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

IV. All nominations under paragraph III shall be confirmed by the governor and executive council.

V. Persons appointed to the committee shall be qualified by excellent personal reputation and by education or experience in public service, in resolving ethical issues facing persons in public service, or in the law. No executive branch official shall serve as a committee member, and no person who has registered as a lobbyist under RSA 15:1 shall serve as a committee member, or for 6 months following the expiration of such registration.

VI. Committee members shall serve terms of 3 years and until their successors are appointed and

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qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

VII. The governor shall designate one of the governor's appointees as chair, who shall convene the first meeting, which shall take place no later than 30 days after a majority of the membership has been appointed. The members shall elect by majority vote a vice-chair and secretary from the remaining members.

VIII. Committee members shall receive no compensation, except that committee members shall receive mileage at the state employee rate.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:3, eff. June 2, 2006.

## Section 21-G:30

### 21-G:30 Duties. –

I. The committee shall be authorized to:

(a) Issue guidelines consistent with the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, and RSA 15-B, relative to proper and appropriate conduct for individuals relating to the performance of their duties as executive branch officials. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule, or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a person subject to any law, guideline, rule, or regulation concerning the application of any law, guideline, rule, or regulation within the committee's jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. Any advisory opinion concerning any person subject to the provisions of this subdivision who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this subdivision that the person complained against acted in reliance upon such advisory opinion. The name of the person seeking an advisory opinion and any information in the opinion that would identify such person shall be non-public. A redacted version of the advisory opinion shall be public.

(d) Receive sworn complaints, investigate allegations of violations of this subdivision or guidelines adopted thereunder by executive branch officials and make appropriate findings of fact and conclusions with respect to such conduct.

(e) Investigate any unauthorized disclosure of information by any committee member or assistant and report to the appropriate authority any allegation which it finds to be substantiated.

II. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective, except that a vote to summarily dismiss a complaint shall be unanimous, and a vote to dismiss a complaint after only an internal review and no investigation shall be by an affirmative vote of no less than 5 members of the committee and a vote pursuant to RSA 21-G:31, VII shall require only a majority of the members present and voting. The committee shall request to meet with the legislative ethics committee established under RSA 14-B at least twice yearly to facilitate uniformity in the interpretation of statutory provisions.

III. The committee shall provide the legislative ethics committee with copies of all publicly issued

guidelines, procedures, decisions, or opinions.

Source. 2006, 21:3, eff. June 2, 2006.

### Section 21-G:31

#### 21-G:31 Complaints; Procedure. –

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. Before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not summarily discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded. If the committee concludes by a recorded affirmative vote of no less than 5 members of the committee that the alleged conduct is not within the committee's jurisdiction, is without merit, or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the executive branch official, with an explanation of the basis of such determination.

II. If the committee, by recorded vote, concludes that the complaint is within its jurisdiction and may have merit, the committee may proceed to conduct a preliminary investigation. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) The violation is inadvertent, technical, or of a *de minimis* nature and shall be addressed by informal methods; or

(c) There are reasonable grounds to believe a violation occurred and formal proceedings shall be instituted to inquire further into the complaint. In that event, the committee shall issue a formal statement of charges and proceed to a hearing on the complaint.

III. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) No action is appropriate because there is not clear and convincing evidence that a violation occurred;

(c) Based upon clear and convincing evidence, a violation occurred, but such violation does not justify formal disciplinary action and shall be resolved by informal methods; or

(d) Based upon clear and convincing evidence, a violation occurred, and the violation was of a serious nature so as to warrant formal disciplinary action. In the case of a finding of violation by a executive branch official, the committee may recommend disciplinary action by the appropriate body, including but not limited to a recommendation for disciplinary action by the executive branch official's supervisor, removal from office under RSA 4:1, or, in the case of the governor, executive council member, or other officer of the state, impeachment or other appropriate action pursuant to part II, article 38 of the New Hampshire constitution. In addition to any recommendation for disciplinary action under this subparagraph, the committee may refer the case to the department of justice for criminal prosecution. In the event that conduct may constitute both a criminal act and misconduct subject to the jurisdiction of the committee, the committee may on its own motion or by motion of the attorney general suspend its investigation or a pending hearing for the time period reasonably necessary to avoid

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compromising a criminal prosecution.

IV. Any person who knowingly or willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the department of justice for prosecution.

V. Except as otherwise provided in this paragraph and notwithstanding any other provision of law, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. The committee shall first examine any sworn complaint and shall conduct its initial review and preliminary investigation of complaints in a confidential manner, unless otherwise requested by the executive branch official complained against. The committee shall conduct formal proceedings, other than its deliberations, in public session. The committee's deliberations on complaints shall be conducted in nonpublic session. Upon completion of the preliminary investigation conducted under paragraph II or at the conclusion of formal proceedings under paragraph III, the committee shall make available for public inspection all records, other than its work product and internal memoranda relating to the complaint.

VI. In proceedings under this subdivision, the committee shall have the power to issue subpoenas and administer oaths.

VII. Any member of the committee who is directly or indirectly involved in any complaint before the committee or who otherwise has personal knowledge of facts material to the determination of the complaint shall not participate in any proceedings regarding the complaint. In the event that recusals under this paragraph reduce the number of participating members to fewer than 4, the remaining participating members shall designate an alternate or alternates sufficient to increase the committee to 4 members, to serve on the committee for that case only.

Source. 2006, 21:3, eff. June 2, 2006.

### Section 21-G:32

**21-G:32 Rules; Procedures and Standards.** – The committee shall adopt, publish, and make available to the public rules governing its procedures, including provisions for disqualification of members for conflict of interest and provisions for the committee to discipline its members for breach of committee procedures, as well as guidelines referred to in RSA 21-G:30, I, consistent with the procedures set forth in RSA 541-A.

Source. 2006, 21:3, eff. June 2, 2006.

### Section 21-G:33

**21-G:33 Committee Administration and Staff.** – The committee shall be administratively attached to the department of justice, which shall provide appropriate administrative and investigative staff and legal counsel in support of the committee's activities, at the committee's request. Files and records of the committee shall be protected against access other than by members of the committee and other persons specifically authorized by the committee.

Source. 2006, 21:3, eff. June 2, 2006.

### Section 21-G:34

#### **21-G:34 Penalty.** –

I. Any person who knowingly or willfully violates RSA 21-G:21-27 or makes unauthorized disclosure of confidential matters or materials contrary to RSA 21-G:31, or interferes with or obstructs lawful activities of the committee, shall be guilty of a misdemeanor and may be subject to disciplinary action as

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provided in RSA 21-G:31, III(d) and other applicable law.

II. In the case of any person convicted under this section, the court may order restitution.

**Source.** 2006, 21:3, eff. June 2, 2006.

### **Section 21-G:35**

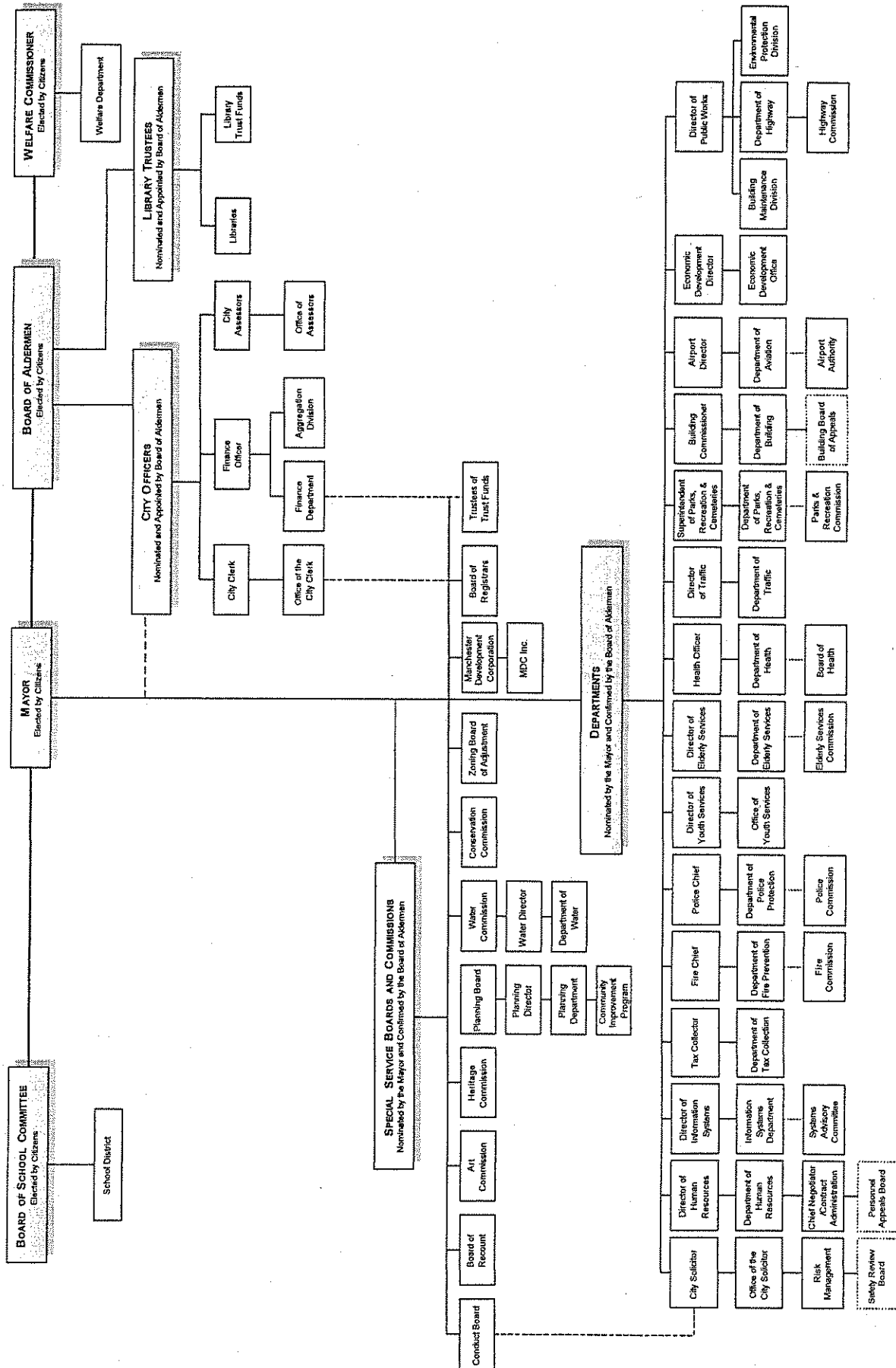
**21-G:35 Severability.** – If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

**Source.** 2006, 21:3, eff. June 2, 2006.

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Mayor Hudson + H  
Comm. on Administration  
1/9/07

CITY OF MANCHESTER NEW HAMPSHIRE  
ORGANIZATION CHART



**LeBlond-Kang, Paula**

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**From:** Normand, Matthew  
**Sent:** Thursday, January 11, 2007 4:44 PM  
**To:** Clark, Thomas  
**Cc:** LeBlond-Kang, Paula  
**Subject:** Committee on Administration Request

The Committee on Administration voted on January 9, 2007, to table the request of Mayor Guinta to establish a Department of Administrative Services. The Committee requested, however, that you review the proposal for conflicts with local ordinances, the City charter, and the State Statutes and provide them with a summary of your assessment at their next meeting, tentatively scheduled for February 13, 2007 at 5:30 p.m. The information will need to be forwarded to the Office of the City Clerk no later than Wednesday, February 7, 2007 so that we may prepare the Committee agenda.

Thank you,

Matthew Normand  
Deputy Clerk of Licensing & Facilities  
Business Licensing Division  
Office of the City Clerk  
T:(603) 624-6348 F:(603) 624-6481  
[www.manchesternh.gov](http://www.manchesternh.gov)

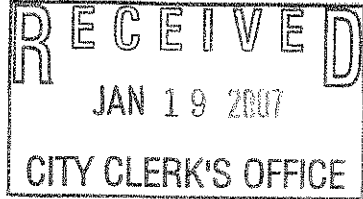
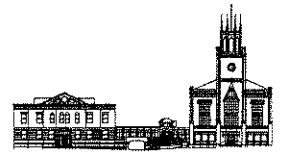




# CITY OF MANCHESTER

## Human Resources Department

One City Hall Plaza  
Manchester, New Hampshire 03101  
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065  
www.ManchesterNH.gov



January 18, 2007

Alderman Daniel P. O'Neil, Chairman  
Committee on Administration and  
Information Systems  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: Department of Administrative Services

Dear Alderman O'Neil and Members of the Committee:

The City Clerk's Office has sent me a note indicating that your Committee would like me to provide you with a brief summary of my assessment of the how the proposed consolidation of services/departments would impact on department head positions and salaries.

As a matter of information, I am very familiar with RSA 21-G:3 to 35. In my former position with the State of New Hampshire, RSA 21-G was a major factor in classifying positions throughout State government along with the classification plan or what we call Yarger Decker.

If you will refer to Section 21-G:5 and Section 21-G:6, you will note that the Legislature defined the structure of government and then defined what type of position would be established to run the different levels within departments. Therefore, if we are following this premise for a Department of Administrative Services, the first order of business would be to create a new position called Commissioner of Administrative Services. It would be my opinion that this new position would be established minimally at a salary grade 31 (\$95,389 to \$136,002). The Commissioner would then need an Administrative Assistant III at a salary grade 14 (\$30,197 to \$43,054).

Underneath the Commissioner of Administrative Services, former departments would then be divisions pursuant to RSA 21-G:6. Divisions are headed by Directors. We currently have Directors heading our departments. The major difference between the current duties of the Directors and the proposed consolidation would be that there would be a layer between the Directors and the Mayor and Board of Aldermen. Division Directors would still need to develop budgets, manage budgets, run their unique programs, hire/fire, etc. etc. Therefore, it would not be realistic to assume that you could eliminate Directors and assign the same duties to lower level

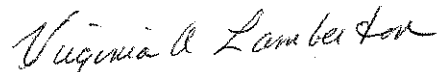
employees. Further, if you decided to take certain duties away from the "new" directors or former department heads and give them to the new Commissioner, the new Commissioner would need staff to do those duties. Thus, you would need to create new positions for the Commissioner's Office.

The classification plan that the City adopted in 1999 would not provide for lower level positions to assume higher level duties and responsibilities and not be compensated accordingly. Further, when the State adopted RSA 21-G, former Commissioners and Directors' salaries were not reduced, the positions were just moved around on an organization chart and in some instances given new titles.

It is my understanding that the City once had a City Coordinator position. When that position was established what impact did that have on the salaries of Department Heads? When that position was eliminated, what impact did that have on the salaries of Department Heads?

I would be happy to share my knowledge regarding other issues with RSA 21-G with you if you would like to discuss them. For now, my responsibility was to provide you with my assessment of how a consolidation of departments would impact on department heads. I hope I have fulfilled that assignment.

Respectfully submitted,

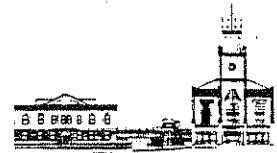


Virginia A. Lamberton  
Human Resources Director



# CITY OF MANCHESTER

## Board of Aldermen



IN BOARD OF MAYOR & ALDERMEN

DATE: July 10, 2007

ON MOTION OF ALD. Lopez

SECONDED BY ALD. Shea

VOTED TO refer to Cmte. on Administration.

*L. R. Bernier*  
CITY CLERK

June 19, 2007

Committee on Community Improvement  
One City Hall Plaza  
Manchester, NH 03101

Chairman Garrity and Honorable Members:

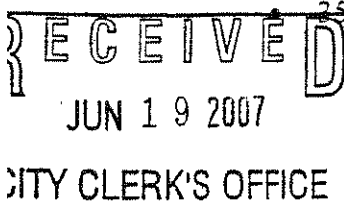
As you meet and have discussions about using Rooms and Meals tax money in the future for Storm Water Utility/Sidewalks/Streets, please consider these comments.

First, let me say that money is needed now and in my point of view should be started with first addressing our reserve fund ordinances that are in place. I do believe that at some point we might look at the revenue that will be in the Rooms and Meals tax, but remember we do have a tax rate stabilization account that we should consider and put money into that account. After all, when we built the civic center we said money would go back to the taxpayer after.

Before we rush into starting another fund, I believe that we need to review some of our ordinances. So, before we make another policy effecting rooms and meals revenue, some of these special ordinances should be changed to start putting money into a special account for storm water/sidewalks/streets this year.

The Finance Officer should review the following to see if they apply today and make recommendations to the Board regarding what changes he would suggest. One area that we should talk about is how much percent of the surplus should go into these accounts, and what they should be used for. An example that I would like to see is instead of putting 50% of the surplus into the Revenue Stabilization Account, how about 25% into this account and 25% into special storm water/sidewalks/streets. That way we can start doing something this year after the audit takes place for the 2007 budget. That's just one ordinance that might be changed. The reserve ordinances are as follows:

- 35.032 Revenue Stabilization Reserve Account (Ordinance passed 5-6-97)
- 35.033 Special Revenue Reserve Account (Ordinance passed 11-6-02)
- 35.034 Tax Rate Stabilization Reserve Account (Ordinance passed 11-6-02)
- 35.035 Risk Retention Reserve Account (Ordinance Passed 11-6-02)




One City Hall Plaza, Manchester, NH 03101 Phone (603) 624-6455 Fax (603) 624-6481  
[www.ManchesterNH.gov](http://www.ManchesterNH.gov)

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Committee on Community Improvement  
June 19, 2007  
Page 2

I am asking the Board of Aldermen to have the Finance Officer, the City Solicitor and if needed our Bond Council for recommendation before we move forward to make sure that it would not hurt our bond rating to make some changes.

Sincerely,



Mike Lopez  
Alderman-At-Large

C: Board of Mayor and Aldermen ✓  
Finance Officer  
City Solicitor